



# Frequently Asked Questions

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## Washington Water Acquisition Program

### **Q. What is the Washington Water Acquisition Program?**

**A.** The Washington Water Acquisition Program is a voluntary initiative offering monetary compensation for participants and is focused on increasing stream flows in basins experiencing chronic water shortages, due to a variety of reasons. Water rights acquired are put into the state trust water rights program, created by the Legislature, as a way for water right holders to voluntarily revert all or a portion of their existing right back to the state to hold in trust.

### **Q. Why is acquiring water rights important?**

**A.** There are many streams across the state where critically low flows limit fish survival, especially salmon. Acquiring water rights is one way to help increase or restore stream flows. Even in basins where instream flows have been set by state rule, flows can still be inadequate. The acquisition program gives farmers, ranchers and other water right holders an opportunity to join in state fish recovery efforts.

### **Q. How does the Washington Water Acquisition Program work?**

**A.** Water right holders can choose to sell, lease or donate all or part of their right. Leases, for example, can be either short- or long-term. For instance, a “split-season” lease allows a portion of a water right to be used for irrigation during mid-summer, leaving the remaining portion for instream use during critical periods when fish are migrating and spawning. A “dry-year” lease provides an occasional rather than a permanent water transfer, depending on weather patterns and local flow conditions. Ecology will also consider other types of proposals on a case by case basis.

Water right holders participating in the state water irrigation efficiencies program, administered by the Washington Conservation Commission and their local conservation districts, can also place all or part of their saved water into state trust to help provide adequate stream flows for fish.

### **Q. Where is the state looking to acquire water rights?**

**A.** Efforts will be concentrated in 16 basins across the state ( where low flows are a known limiting factor to salmon populations.) These basins have been identified by the governor’s statewide salmon recovery strategy. In Eastern Washington, the basins are: **Lower Yakima, Methow, Middle Snake, Naches, Okanogan, Upper Yakima, Walla Walla and Wenatchee.** In Western Washington, the basins are: **Cedar-Sammamish, Chambers-Clover, Elwha-Dungeness, Green-Duwamish, Nooksack, Puyallup-White, Quilcene-Snow and Snohomish.** Acquisitions within the 16 basins will be targeted to small tributaries with good fish habitat located in areas where there is willingness and interest from water right holders and the local community. (see map on page 4)

**Q. Can water right holders on streams not targeted still participate in the program?**

**A.** It is expected that more streams will be targeted as additional information becomes available. Water right holders on tributaries in non-targeted streams and reaches may participate if their water right would benefit targeted reaches. If a stream is located outside one of the 16 critical basins but offers a unique opportunity to benefit fish, it may also be considered for water acquisitions.

**Q. How much water is needed for each stream?**

**A.** In basins where instream flows rules have been set by rule, the goal is to get enough water back in the stream to meet set flows. In basins where instream flows have yet to be formally established, Ecology will rely on existing local watershed planning efforts and resource agencies and tribes to help determine instream flow needs for fish.

**Q. How are water rights evaluated for acquisition?**

**A.** The departments of Ecology and Fish and Wildlife want to ensure that any water right acquired through the program is actually going to put real water back into a stream to benefit fish. Ecology will evaluate each proposal to determine specific aspects of a particular water right including:

- Seniority
- Historic use of the water right
- Transferable quantity of water
- Number of existing diversions on a stream
- Value of water for fish
- Type of transaction (purchase, lease or other proposal)

**Q. When does this evaluation occur?**

**A.** A preliminary evaluation will be conducted as soon as a proposal is submitted. This will be done prior to determining and negotiating the value of a particular water right. The final evaluation will be done prior to making a final acquisition.

**Q. How will the program handle partial transfers of a water right?**

**A.** Regardless of the portion being voluntarily transferred to the program, the whole water right will be evaluated to determine the extent of the right and to quantify the trust water portion. While the amount of water being placed in state trust is protected from relinquishment, an entire water right may be reduced depending on its historical use.

**Q. Can ground water rights be transferred?**

**A.** Ecology will only consider groundwater rights that will provide a direct benefit to a surface water body.

**Q. When a portion of a temporary water right is reverted back to the water-right holder after the terms of an acquisition (lease, etc.) are over, what will the water right look like?**

**A.** Since water rights are evaluated based on historical use, the reverted quantity of water will include consumptive use and a return flow, based on a reasonable efficiency rate.

**Q. What if I have not used water in the last five years, or the last five years does not accurately reflect my water use?**

**A.** The quantity available for transfer is based on your actual beneficial use, and is usually defined as the last five years of water use. While you may have a valid water right, the quantity available for transfer may not be sufficient for participation in the initiative.

**Q. Can someone downstream divert this “trust” water?**

**A.** Depending on the priority date of the water right in question, the state may protect it like any other right. However, if acquired water can be diverted prior to the targeted reach of a stream, it is unlikely that there would be significant benefit to fish. This reduces the likelihood that these types of rights will be considered for acquisition.

**Q. How are water rights acquisitions funded?**

**A.** Ecology currently has \$5.5 million in state and federal funds to directly acquire water rights. Water right acquisitions are part of the state’s overall water strategy and are intended to assist other activities, including important work being done by local watershed planning groups. In addition, the Legislature set aside about \$8 million to provide grants to farmers to improve the efficiency of their existing irrigation systems. Participants have the opportunity to put some of the water saved through this program back into streams.

**Q. How will Ecology determine the value of a water right?**

**A.** It is essential that Ecology determine and negotiate the fair market value of each proposal. Using various valuation methods, a water right will be priced based on the character of the right, its value to fish, and the type and length of the transaction (purchase, lease, etc.) being contemplated. The price may be determined by an independent water-right appraiser.

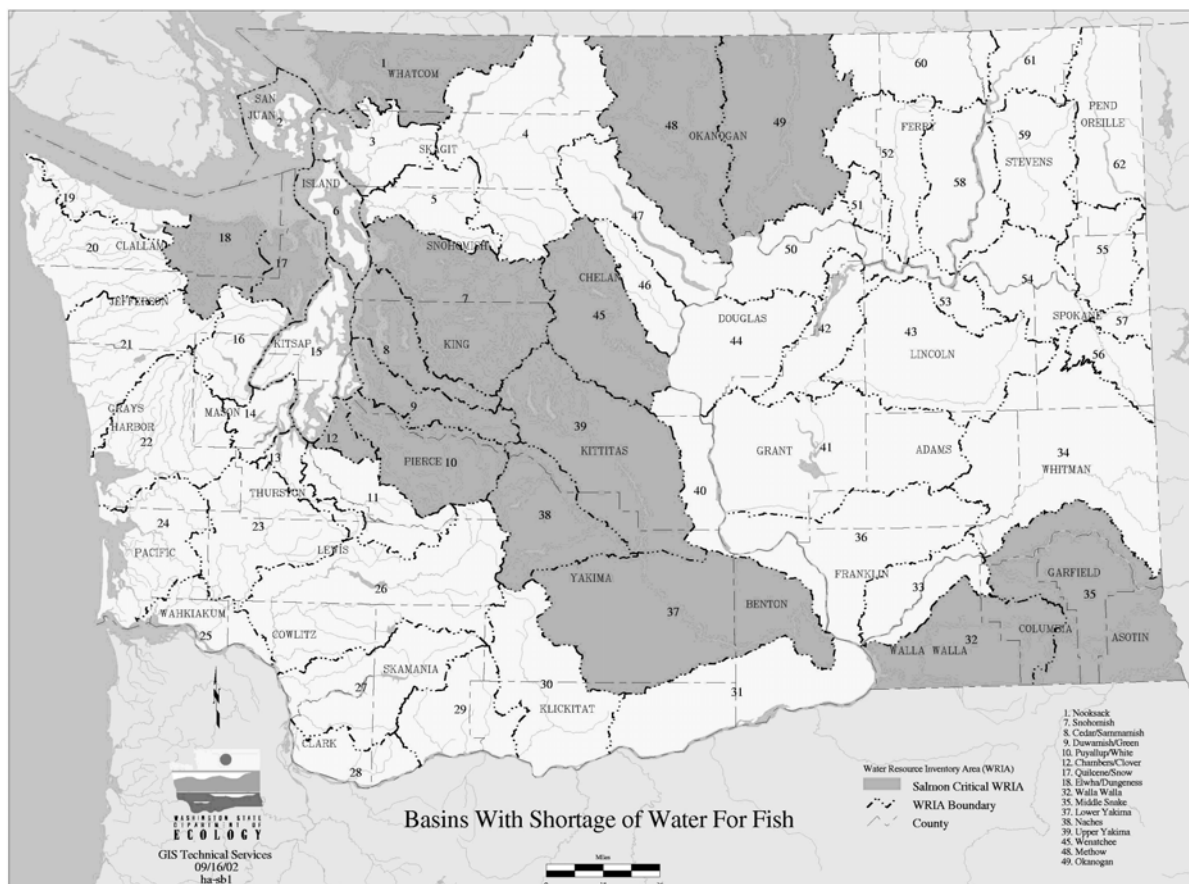
**Q. Will Ecology pay for the amount of water being diverted or just the consumptive use portion?**

**A.** The majority of the time, Ecology will pay only for consumptive use. However, the department will evaluate each acquisition proposal on a case by case basis.

**Q. How does the Washington Water Acquisition Program relate to similar initiatives?**

**A.** Many organizations across the state are involved or interested in restoring stream flows in critical basins. The Washington Water Acquisition Program is not in competition with any other similar initiative. The departments of Ecology and Fish and Wildlife share their information and work closely with other organizations. This state program simply presents another option for water users to consider as means to benefit fish.

*(map on pg. 4)*



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